

ANALYSIS

This ordinance amends Title 21 - Subdivisions and Title 22 - Planning and Zoning of the Los Angeles County Code to establish drought-tolerant landscaping requirements for projects constructed after January 1, 2009. The drought-tolerant landscaping standards are intended to help conserve water resources by requiring landscaping that is appropriate to the region's climate, and to the nature of a project's use. The ordinance creates drought-tolerant landscaping standards which are to be reflected in a project's site plans.

RAYMOND G. FORTNER, JR.
County Counsel

BY 
LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Property Division

LLH:gl

10/09/08 (requested)

11/13/08 (revised)

ORDINANCE NO. 2008-0064

An ordinance amending Title 21 - Subdivisions and Title 22 - Planning and Zoning of the Los Angeles County Code to establish drought-tolerant landscaping requirements for projects constructed after January 1, 2009.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 21.24.430 of Title 21 is hereby added to read as follows:

21.24.430 Drought-tolerant landscaping.

All projects, as defined therein, including their common areas, shall comply with the drought-tolerant landscaping requirements of Part 21 of Chapter 22.52 of Title 22.

SECTION 2. Part 21 of Chapter 22.52 of Title 22 is hereby added to read as follows:

Part 21

DROUGHT-TOLERANT LANDSCAPING

Sections:

- 22.52.2200 Purpose.
- 22.52.2210 Definitions.
- 22.55.2220 Applicability.
- 22.52.2230 Drought-tolerant landscaping requirements.
- 22.52.2240 Site plan review.
- 22.52.2250 Additional requirements.
- 22.52.2260 Exemptions.
- 22.52.2270 Modification of landscaping requirements.

22.52.2200 Purpose.

A. The purpose of this Part 21 is to establish minimum standards for the design and installation of landscaping using drought-tolerant plants and native plants that require minimal use of water. These requirements will help conserve water resources by requiring landscaping that is appropriate to the region's climate and to the nature of a project's use.

B. The provisions of this Part 21 shall be construed to augment the regulations of any retail or wholesale water provider, and any county, state, or federal ordinance, statute, regulation, or other requirement governing the same or related matter, including a supplemental district, community standards district, or transit-oriented district established under this Title 22, and also including Chapter 71 of Title 26 of the Los Angeles County Code (Water Efficient Landscaping), and where a conflict exists between a provision in this Part 21 and such other ordinance, statute, regulation, or other requirement, the stricter provision shall apply to the extent permitted by law.

22.52.2210 Definitions.

For purposes of this Part 21, the following definitions shall apply:

A. "Department" shall mean the Los Angeles County Department of Regional Planning.

B. "Drought-tolerant plant" shall mean a native or non-native plant that requires minimal use of water, and that is appropriate to the region's climate and the nature of a project's use.

C. "Drought-tolerant plant list" shall mean a list of native and non-native plant species, approved by the Director and maintained by the Department, which list is organized by ecological zones for use in landscaped areas within all projects.

D. "Ecological zone" shall mean a geographic area where plants are indigenous or otherwise appropriate.

E. "Green building technical manual" is a manual prepared by the Department that includes the most recent third-party standards and rating systems accepted by the commission for inclusion in the manual, as required by Section 22.52.2130.E in Part 20 of Chapter 22.52, as well as other pertinent information, to assist applicants to comply with the requirements of this Part 21. The green building technical manual includes the drought-tolerant plant list.

F. "Hydrozone" shall mean a portion of a landscaped area that has plants with similar water and sun needs and that are served by an irrigation valve or set of valves operating on the same schedule.

G. "Landscaped area" shall mean any area planted with turf, shrubbery, flowers, or trees.

H. "Mature tree" shall mean any tree rooted on a lot or parcel of land, the trunk of which is at least six (6) inches in diameter, measured four and one-half feet above mean natural grade.

I. "Project" shall have the same meaning as set forth in Section 22.52.2110.P of Part 20 of Chapter 22.52, and shall include any construction

described in said Section that requires discretionary or non-discretionary land use approval from the County.

J. "Public recreational lawn" shall mean an area planted with turf or other mowed ground cover that is maintained for recreation or enjoyment by the public, including athletic fields that are available for use by the public or membership associations.

K. "Public Works" shall mean the Los Angeles County Department of Public Works.

L. "Registered historic site" shall mean a property listed on any federal, state, or county register related to historic designation or status, including, but not limited to, the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and State Points of Historical Interest.

M. "Third-party standards and rating systems" are the three independent green building standards and rating systems, CGB, GPR, and LEED™, as those standards and rating systems are defined in Part 20 of Chapter 22.52, and as may be updated from time to time.

N. "Total landscaped area" is the cumulative landscaped area of a lot or parcel of land, or portion thereof as determined by the Director, but shall not include the area in which any tree required by Part 20 of Section 22.52 or any mature tree on the site is situated. For single-family residences, the total landscaped area shall be any area measured from the front property line to the front of the residence.

O. "Turf" shall mean grass maintained by mowing and watering.

22.52.2220 Applicability.

This Part 21 shall become effective on January 1, 2009, and shall apply to all projects within unincorporated areas of the County after that date except for the following:

A. Any project where a complete building permit application was filed with the County Department of Public Works prior to January 1, 2009.

B. Any project involving construction of single-family residences on lots created by a parcel map which created four or fewer residential lots, or any project involving a building permit for the construction of one single-family residence on a legal lot, in both cases where a complete building permit application was filed with Public Works prior to April 1, 2009.

C. Any project involving construction on a lot with an existing single-family residence not involving the complete replacement of that residence.

22.52.2230 Drought-Tolerant Landscaping Requirements.

All projects shall comply with the drought-tolerant landscaping requirements of this Section 22.52.2230.

A. The total landscaped area of a lot or parcel of land on which a project is situated shall satisfy the following:

1. A minimum of seventy-five (75) percent of such total landscaped area shall contain plants from the drought-tolerant plant list;

2. A maximum of twenty-five (25) percent of such total landscaped area shall consist of turf, however, in no event shall turf be planted in strips that are less than five (5) feet wide, and in no event shall the total landscaped area contain more than five thousand (5,000) square feet of turf;

3. All turf in such total landscaped area shall be water-efficient. The green building technical manual shall contain a list of turf that meets this requirement; and

4. The plants in such total landscaped area shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun, and light), and maintenance requirements.

B. For single-family residences, in addition to the landscaping requirements of subsection A of this Section 22.52.2240, in calculating the maximum square footage of turf used, the turf in the residence's rear and side yards shall be included in the measurement of the turf used for the total landscaped area.

22.52.2240 Site Plan Review.

Compliance with the drought-tolerant landscaping requirements of this Part 21 shall be shown through a site plan review in accordance with this Title 22 and as further described in this Section.

A. The site plan for the project shall depict or list any drought-tolerant and non-drought-tolerant landscaping that will be incorporated into the project. In addition, the site plan shall outline the areas of the project to be landscaped with drought-tolerant plants and/or turf, and calculations shall be provided on the site plan showing the

percent of landscaped area devoted to each. Upon installation of the landscaping, plants other than as originally shown on the site plan may be installed without additional approval from the Department as long as the same relative percentage of drought-tolerant plants to turf as originally designed is maintained. The site plan shall also depict the location of the trees planted, as required by Section 22.52.2130.C.5 of Part 20 of Chapter 22.52.

B. The same site plan shall be used to show compliance with this Part 21, the green building requirements of Part 20, Chapter 22.52, and the low-impact development standards of Chapter 12.84, to the extent these other requirements apply to the project.

C. In any case where a site plan for a project has been or will be concurrently filed with an application for a permit, variance, zone change, development agreement, or other discretionary approval under Title 22, or with an application for a subdivision under Title 21, the site plan procedure set forth in this Section shall not apply and instead, the Exhibit "A," tentative map, or other site plan required for such other approval shall be used to show compliance with this Part 21. In addition, in any case where the project requires a discretionary land use approval from the County, full landscape plans for the project shall be submitted to the Department to show compliance with this Part 21, and those landscape plans shall be fully reviewed by the Department as part of such approval process.

22.52.2250 Additional Requirements.

Compliance with this Part 21 shall also require the following:

A. A covenant shall be recorded in the office of the Los Angeles County Registrar-Recorder/County Clerk indicating that the owner of the subject project is aware of the drought-tolerant landscaping requirements of this Part 21 and is also aware of how said requirements apply to the owner's project.

B Any and all planting restrictions placed on the project by the County Fire Department shall apply to the project, including, but not limited to the restrictions under said Department's fuel modification plan guidelines.

22.52.2260 Exemptions.

A. The following shall be exempt from the provisions of this Part 21:

1. Registered historical sites;
2. Public recreational lawns;
3. Any new and/or renovation project for a park; and
4. Any area of a project dedicated solely and permanently to edible

plants, such as orchards and vegetable gardens.

B. The following may be exempt from the provisions of this Part 21:

1. Landscaping for a manufactured cut or fill slope equal to or exceeding a gradient of 3:1, when Public Works makes a determination that such exemption is necessary to comply with the requirements of the building code regulating engineered grading.

2. Landscaped areas required for low impact development ("LID"), as described in Chapter 12.84 of Title 12 of the Los Angeles County Code, water quality facilities such as vegetated swales, rain gardens, detention ponds or basins, areas of the project used to contain pollutants, or areas irrigated by reclaimed water, when Public Works makes a determination that such exemption is necessary for compliance with the LID standards established in Chapter 12.84.

22.52.2270 Modification of Landscaping Requirements.

A. The Director of the Department, without notice or a hearing, may grant a modification to the landscaping requirements of this Part 21 under the following circumstances:

1. When a project's topographic features, lot size, or other conditions make it unreasonable, impractical, or otherwise creates an unnecessary hardship to require compliance with these landscaping requirements; or

2. When the nature of a large scale or multi-lot project necessitates flexibility in the project design that impacts the landscaping for the project.

B. Any request for a modification to the landscaping requirements of this Part 21 that is not filed concurrently with an application for a permit, variance, or other discretionary entitlement under Title 22, or with an application for a subdivision under Title 21, shall be processed as a yard modification in accordance with Section 22.48.180.

C. Any decision by the Director on a modification request pursuant to this Section 22.52.2260 may be appealed to the commission; and any decision by the commission on such appeal may be appealed to the Board of Supervisors. All such appeals shall be governed by Part 5 of Chapter 22.60.

[DROUGHTTOLERANTLHCC]

SECTION 3. This ordinance shall be published in The Metropolitan News a newspaper printed and published in the County of Los Angeles.



Yvonne B. Burke
Chair

ATTEST:

Sachi A. Hamai
Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of November 18, 2008 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes
Supervisors Zev Yaroslavsky
Don Knabe
Michael D. Antonovich
Yvonne B. Burke

Noes
Supervisors None

Effective Date: December 18, 2008

Operative Date: January 1, 2009

Sachi A. Hamai
Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By [Signature]
Deputy



APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

By Leela Kapur
Leela Kapur
Chief Deputy County Counsel